IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5857 OF 2006

Mrs. Leena Sandeep Sawant .. Petitioner

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. V.V. Pai for petitioner.
Mrs.M.P. Thakur, AGP for respondents.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Date : December 8, 2006.

P.C.:

1. Heard Mr. Pai the learned counsel for the petitioner. In obedience of our order dated 29/11/2006 three affidavits have been filed before us and they are filed by Mr.Rashid Osman Shaikh, Deputy Executive Engineer, North Mumbai PW Division, Andheri (West), Mumbai - 400 058, Smt. Swati Y. Sawant, Section Officer, Revenue and Forest Department, Mantralaya, Mumbai - 400 032 and Shri A.H. Pawar, Acting Inspector General of Registration and Controller of Stamps, M.S., Pune.

2. In the affidavit of Mr. Rashid Osman Shaikh the amount towards licence fees recoverable in respect of the subject residential quarter and for the past periods has been shown at Rs.95,676/-, if the quarter is vacated by 15th December, 2006 and we have verified that this calculation is in consonance with the affidavit in reply that was filed before us in Writ Petition No.5259 of 2005.

3. Ms. Thakur the learned AGP on instructions states that the entire amount of legal dues, after deducting the amount of Rs.95,676/- towards the licence fees, shall be paid to the petitioner on 31st December, 2006 if she vacates and hands over the possession of the subject residential quarter on 15th December, 2006.

4. So far as the petitioner’s application for compassionate appointment is concerned, it has been clarified that as per the GR dated 22/8/2005 issued by the State Government, the petitioner’s name is already under waiting list and it is not necessary for the

Inspector General of Registration and Controller of Stamps to wait for a vacancy in the common pool for which the list is maintained by the Collector concerned and he is a competent officer to appoint the petitioner on compassionate ground against a vacancy, if available as at present in his office.

5. We, therefore, dispose off the petition by following directions:-

(a) The petitioner shall hand over the vacant and peaceful possession of Quarter No.1-79, Government Colony, Bandra (East), Mumbai to the Manager of the Government Colony latest by 15th December, 2006.

(b) The respondent no.5 shall issue the no dues certificate and send to the respondent nos.3 and 4 who, in turn, shall deduct an amount of Rs.95,676/- from the final payment payable to the petitioner in respect of the service rendered by her late husband and the net amount of all the legal dues shall be paid

to the petitioner by 31st December, 2006.

(c) The respondent no.3 shall consider the petitioner's application for compassionate appointment as per the policy laid down by the State Government in the GR dated 22/8/2005 as expeditiously as possible and preferably within a period of three months from today.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**